



PATENT  
Customer No. 22,852  
Attorney Docket No. 08203.0005-04000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
John BUTLER et al. ) Group Art Unit: 3732  
)  
Application No.: 10/665,395 ) Examiner: Unknown  
)  
Filed: September 22, 2003 )  
)  
For: WOUND RETRACTOR SYSTEM )

**Mail Stop Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

With the exception of four (4) documents, the documents listed in the 1449 form were previously cited in prior Application No. 10/374,523, filed February 27, 2003, upon which Applicants rely for the benefits of 35 U.S.C. § 120. Under the provisions of 37 C.F.R. § 1.98(d), copies of these previously-cited documents are not being submitted herewith.

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Copies of the four documents that were not cited in prior Application No. 10/374,523, are submitted herewith. Applicants also attach a copy of an International Search Report received from the European Patent Office in the international counterpart to this application.

Applicants respectfully request that the Examiner consider all of the listed documents and indicate that they were considered by making appropriate notations on the attached 1449 form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.


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Respectfully submitted,

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Dated: January 21, 2004

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## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	08203.0005-04000	Application No.	10/665,395
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## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	1,157,202	10/1915	McLeland			
	1,598,284	08/1926	Kinney			
	1,810,466	06/1931	Deutsch			
	2,219,564	10/1940	Reyniers			
	2,305,289	12/1942	Coburg			
	2,695,608	11/1954	Gibbon			
	2,835,253	05/1958	Borgeson			
	3,111,943	11/1963	Orndorff			
	3,244,169	04/1966	Baxter			
	3,332,417	07/1967	Blanford et al.			
	3,347,226	10/1967	Harrower			
	3,347,227	10/1967	Harrower			
	3,397,692	08/1968	Creager, Jr. et al.			
	3,522,800	08/1970	Lesser			
	3,523,534	08/1970	Nolan			
	3,570,475	03/1971	Weinstein			
	3,729,006	04/1973	Wilder et al.			
	3,782,370	01/1974	McDonald			
	3,797,478	03/1974	Walsh et al.			
	3,807,393	04/1974	McDonald			
	3,841,332	10/1974	Treacle			

Examiner	Date Considered
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	3,907,389	09/1975	Cox et al.			
	3,915,171	10/1975	Shermeta			
	3,965,890	06/1976	Gauthier			
	4,024,872	05/1977	Muldoon			
	4,030,500	06/1977	Ronnquist			
	4,096,853	06/1978	Weigand			
	4,130,113	12/1978	Graham			
	4,188,945	02/1980	Wenander			
	4,228,792	10/1980	Rhys-Davies			
	4,239,036	12/1980	Krieger			
	4,367,728	01/1983	Mutke			
	4,399,816	08/1983	Spangler			
	4,434,791	03/1984	Darnell			
	4,485,490	12/1984	Akers et al.			
	4,550,713	11/1985	Hyman			
	4,553,537	11/1985	Rosenberg			
	4,601,710	07/1986	Moll			
	4,654,030	03/1987	Moll et al.			
	4,777,943	10/1988	Chvapil			
	4,889,107	12/1989	Kaufman			
	4,895,565	01/1990	Hillstead			

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	4,903,710	02/1990	Jessamine et al.			
	4,950,222	08/1990	Scott et al.			
	4,984,564	01/1991	Yuen			
	4,991,593	02/1991	LeVahn			
	4,998,538	03/1991	Charowsky et al.			
	5,041,095	08/1991	Littrell			
	5,045,070	09/1991	Grodecki et al.			
	D 320,658	10/1991	Quigley et al.			
	5,125,897	06/1992	Quinn et al.			
	5,158,553	10/1992	Berry et al.			
	5,159,921	11/1992	Hoover			
	5,161,773	11/1992	Tower			
	5,178,162	01/1993	Bose			
	5,188,595	02/1993	Jacobi			
	5,211,370	05/1993	Powers			
	5,213,114	05/1993	Bailey, Jr.			
	5,234,455	08/1993	Mulhollan			
	5,248,304	09/1993	Vigdorchik et al.			
	5,263,922	11/1993	Sova et al.			
	D 343,236	01/1994	Quigley et al.			
	5,299,582	04/1994	Potts			

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	D 346,022	04/1994	Quigley et al.			
	5,309,896	05/1994	Moll et al.			
	5,316,541	05/1994	Fischer			
	5,342,385	08/1994	Norelli et al.			
	5,350,364	09/1994	Stephens et al.			
	5,364,345	11/1994	Lowery et al.			
	5,366,478	11/1994	Brinkerhoff et al.			
	5,368,545	11/1994	Schaller et al.			
	5,391,156	02/1995	Hildwein et al.			
	5,429,609	07/1995	Yoon			
	5,480,410	01/1996	Cuschieri et al.			
	5,514,133	05/1996	Golub et al.			
	5,522,791	06/1996	Leyva			
	5,524,644	06/1996	Crook			
	5,526,536	06/1996	Cartmill			
	5,545,179	08/1996	Williamson, IV			
	5,634,911	06/1997	Hermann et al.			
	5,634,937	06/1997	Mollenauer et al.			
	5,636,645	06/1997	Ou			
	5,640,977	06/1997	Leahy et al.			
	5,649,550	07/1997	Crook			

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	5,653,705	08/1997	de la Torre et al.			
	5,672,168	09/1997	de la Torre et al.			
	5,707,703	01/1998	Rothrum et al.			
	5,741,234	04/1998	Aboul-Hosn			
	5,741,298	04/1998	MacLeod			
	5,755,660	05/1998	Tyagi			
	5,769,783	06/1998	Fowler			
	5,803,921	09/1998	Bonadio			
	5,810,721	09/1998	Mueller et al.			
	5,813,409	09/1998	Leahy et al.			
	5,832,925	11/1998	Rothrum			
	5,853,395	12/1998	Crook et al.			
	5,899,208	05/1999	Bonadio			
	5,906,577	05/1999	Beane et al.			
	5,947,922	09/1999	MacLeod			
	5,951,467	09/1999	Picha et al.			
	5,957,913	09/1999	de la Torre et al.			
	5,964,781	10/1999	Mollenauer et al.			
	5,997,515	12/1999	de la Torre et al.			
	6,033,426	03/2000	Kaji			
	6,033,428	03/2000	Sardella			

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	6,042,573	03/2000	Lucey			
	6,048,309	04/2000	Flom et al.			
	6,077,288	06/2000	Shimomura et al.			
	6,110,154	08/2000	Shimomura et al.			
	6,142,935	11/2000	Flom et al.			
	6,142,936	11/2000	Beane et al.			
	6,163,949	12/2000	Neuenschwander			
	6,164,279	12/2000	Tweedle			
	<b>6,171,282</b>	<b>01/2001</b>	<b>Ragsdale</b>			
	6,183,486	02/2001	Snow et al.			
	6,254,533	07/2001	Fadem et al.			
	6,254,534	07/2001	Butler et al.			
	<b>6,319,246</b>	<b>11/2001</b>	<b>de la Torre et al.</b>			
	6,346,074	02/2002	Roth			
	<b>6,382,211</b>	<b>05/2002</b>	<b>Crook</b>			
	6,450,983	09/2002	Rambo			
	6,582,364	06/2003	Butler et al.			
	6,578,577	06/2003	Bonadio et al.			
	6,623,426	09/2003	Bonadio et al.			

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	WO 86/06272	11/1986	PCT			
	WO 92/11880	07/1992	PCT			
	WO 92/21292	12/1992	PCT			
	WO 93/05740	04/1993	PCT			
	WO 95/05207	02/1995	PCT			
	WO 95/07056	03/1995	PCT			
	WO 95/22289	08/1995	PCT			
	WO 95/27445	10/1995	PCT			
	WO 95/27468	10/1995	PCT			
	WO 96/36283	11/1996	PCT			
	WO 97/32514	09/1997	PCT			
	WO 97/32515	09/1997	PCT			
	WO 98/35614	08/1998	PCT			
	WO 98/48724	11/1998	PCT			
	WO 99/03416	01/1999	PCT			
	WO 99/25268	05/1999	PCT			
	WO 99/29250	06/1999	PCT			
	WO 00/32116	06/2000	PCT			
	WO 00/32117	06/2000	PCT			
	WO 00/32119	06/2000	PCT			

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	WO 00/32120	06/2000	PCT			
	WO 00/35356	06/2000	PCT			
	WO 00/54675	09/2000	PCT			
	WO 00/54676	09/2000	PCT			
	WO 00/54677	09/2000	PCT			
	WO 01/08563	02/2001	PCT			
	WO 01/08581	02/2001	PCT			
	WO 01/26558	04/2001	PCT			
	<b>WO 01/91652</b>	<b>12/2001</b>	<b>PCT</b>			
	WO 03/061480 A1	07/2003	PCT			
	WO 03/034908 A3	05/2003	PCT			
	GB 1,151,993	05/1969	UK			
	GB 1,355,611	06/1974	UK			
	GB 1,372,491	10/1974	UK			
	GB 1,379,772	01/1975	UK			
	GB 1,400,808	07/1975	UK			
	GB 1,407,023	09/1975	UK			
	GB 1,496,696	12/1977	UK			
	GB 2,071,502	09/1981	UK			
	GB 2,255,019	10/1992	UK			
	GB 2,275,420	08/1994	UK			

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	EP 0,142,262	05/1985	Europe			
	EP 0,537,768	04/1993	Europe			
	EP 0,950,376	10/1999	Europe			
	EP 1,118,657	07/2001	Europe			No
	1,456,623	09/1966	France			No
	DE 37 39 532	12/1988	Germany			No
	DE 37 37 121	05/1989	Germany			No
	DE 296 00 939	06/1998	Germany			No
	10-108868	04/1998	Japan			No

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